

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EDWARD CUESTAS,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security Administration,

Defendant.

CASE NO. C09-5316BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 22). The Court having considered the Report and Recommendation and the remaining record, and no objections by Plaintiff having been filed, does hereby find and order:

- (1) The Court adopts the Report and Recommendation; and
- (2) This action is **REMANDED** for further consideration because the ALJ failed to specify legitimate reasons when evaluating the medical evidence and failed to properly consider Plaintiff's "trigger finger" impairment.

DATED this 31st day of March, 2010.



BENJAMIN H. SETTLE
United States District Judge

ORDER